



Working with an Environmental Consultant

Brownfields Nuts & Bolts Conference

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Overview

- Defining your needs – and your responsibilities
- RFP vs. RFQ
 - Differences
 - What's important
 - How do consultants evaluate project opportunities
- Negotiating a Scope and Fee
 - Consistency with Work Plan
 - Lump-Sum vs. Cost Plus Max vs. Cost Plus Contracts
- Managing the Contractor(s)
- Good of the Cause

Defining your project needs

- Consultants are generally hired for one of three reasons:
 - Lack of certain internal expertise
 - Staff time is already committed to other priorities
 - Desire to get an unfettered outsiders opinion
- As you define your project needs, consider all of the project requirements and how you envision those tasks being implemented over the project period.
- Assess what you plan to do and which task(s) will be assigned to the consultant.
 - Do not assume that because a consultant is brought on board all of your service needs are resolved.

Common Responsibilities

- Consultant:
 - Conduct an environmental scan of the target area
 - Perform specified community outreach activities
 - Be responsible for or assist with securing access agreements
 - Prepare Phase I & II ESAs
 - Prepare QAPP & PSSAC
- Client:
 - Prepare quarterly reports
 - Assist with securing access agreements
 - Facilitate or assist with performing community outreach activities
 - Staff a committee that has been assembled to provide direction to the initiative

Non Traditional Responsibilities – may not be reimbursable

- Assist with negotiating the acquisition of targeted sites
- Cultivate funding opportunities to perpetuate the project or achieve ancillary results
 - Traditional grant writing
 - Federal appropriations
 - Municipal funding options
- Engage in more substantive public involvement/planning strategies to examine how environmental impairments might impact future use
- GIS and Internet based services
- **Think about how the consultant can help you take your project to the next level.**

RFPs versus RFQs – Which is best?

- Request for Proposals:
 - Can include evaluation criteria that consider the ability of the firm(s); however, it focuses mainly on the cost of services
 - This option is more prone to submitting proposals that minimizes costs initially but using change orders to enhance revenue over the course of the project.
- Request for Qualifications:
 - Focuses exclusively on the abilities and experiences of the firm to meet the needs of the project.
 - Considering that Brownfield Grants have specified award amounts and the work plan outlines the expectations for the project, cost is immaterial to the selection process

What is important in the Selection Process

- Experience and abilities of the project staff to successfully implement your project and complete it within the grant period
 - Technical competencies
 - Personal experiences in working with the program specifically
 - Ability to anticipate needs and situations requiring prior approval of the EPA or State Environmental Agency
- How the consultant would approach your project
 - This can speak volumes about the consultant's experience, familiarity with your project, ability to anticipate situations/needs, and integrate activities that take your project to the next level – the project should not be only about having a lot of Phase I and/or II ESA reports or Cleanup Plans sitting in your office

How do Consultants Evaluate RFPs/RFQs

- Some will respond to anything that comes through the door.
- Most will evaluate their likelihood for success:
 - Relationships
 - Assistance in securing funds and ability to position the project to attract additional capital
 - Familiarity with regulatory officials and requirements that are likely to surface over the course of performing work
 - Based on the scope of work that has been outlined in the Work Plan or RFP/Q, can we meet the client's expectations and make money doing it
- Considering that consultants will invest several thousand dollars to pursue a project, many will give strong consideration before preparing a proposal

Negotiating the Scope

- Use your work plan as the basis for outlining the expectations of the project.
- Also consider other elements/tasks that may have been discussed in the Approach section of the proposal
- Consider eligibility issues and/or consult with your Project Officer if you have questions about whether a task is eligible for reimbursement

Fee Options

- Lump Sum: the consultant will charge a flat amount in return for completing a well-defined scope of work
- Cost Plus: this is generally considered a time and materials contract without a cap on costs. If this option is used, contracts may have a series of milestones to reassess the project status
- Cost Plus Maximum: this is a time and materials contract that includes a cap on the overall project cost.
- Cost Plus/Fixed Fee: this option is most common to providing services to federal or state clients and is more complicated to implement because the contracting agency performs an audit of the firm to establish an overhead rate. There are other factors involved in this; however, it is not commonly associated with contracts between the consultant and local units of government.

Managing the Consultant(s)

- If more than one consultant is involved (i.e., two or more firms are part of a team), identify the Prime Contractor/Project Manager
- Once the contractor is on board schedule a “kick-off” meeting to clarify roles, confirm schedules, and summarize expectations
- Delineate how the project will stay on track, how progress reporting will be met, and identify the key contact(s)
- Specify billing process, information you would like on the invoice, etc.
- In the event that resources have to be reallocated, define the procedure for these activities

Good of the Cause Information

- Think hard about which firms you invite to interview. Consultants want to be short-listed but only if the firm is being *seriously considered*. Don't short-list firms if they submitted a marginal proposal and hope they might compensate for it by having a good interview
- RFQs that request information on the availability of key staff to perform work is only accurate for a limited period of time. Consultants work in a fluid environment, so if you ask what the availability of staff is two years after the project begins, chances are you won't get a very accurate estimate
- Consider your consultant as a partner in the project – often times they can bring much more than technical competencies



THANK YOU

If you have any comments, or questions please contact:

Jim Halverson

Howard R. Green Company

(319) 841-4382 (direct) or 800-728-7805

jhalverson@hrgreen.com